

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Gary Lewis Dailey, III

Docket No. 7:06-CR-36-1

Petition for Action on Supervised Release

COMES NOW John A. Cooper, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Gary Lewis Dailey, III, who, upon an earlier plea of guilty to 18 U.S.C. § 922 (g)(1) and 924, Felon in Possession of a Firearm, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on January 23, 2007, to the custody of the Bureau of Prisons for a term of 57 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.

Gary Lewis Dailey, III was released from custody on July 23, 2010, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On April 1, 2012, Dailey and his fiancé got into an argument at their home and he grabbed her arm preventing her from leaving the residence. She got away and ran from Dailey. He proceeded to run after her carrying their 11 month old baby in his arms, thus endangering the baby. An off duty police officer intervened and called other law enforcement to assist. Dailey was stopped and instructed to get into a patrol car for questioning, but refused. Officers were forced to restrain him and placed him into the car. During this time, Dailey left two other children, ages 6 & 7, inside the home unattended. As a result, Dailey was charged with Assault on a Female, Resisting Arrest, Second Degree Kidnaping, two counts of Exposing a Child to Fire for leaving the two children unattended, and Misdemeanor Child Abuse. He was released on bond pending trial and has been ordered not to have any contact with his fiancé or his children. His next court date is set for June 14, 2012, in New Hanover County. Fortunately, nobody was injured in this incident and we have

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spoken to his fiancé. She doesn't feel threatened by Dailey and may ask the state court to reduce or dismiss the charges. She is also cooperating with the Department of Social Services as they conduct a child protective services investigation into this matter.

Dailey reported his arrest to the probation officer as required and came to the probation office on April 10th to discuss this matter further. He admitted to engaging in the conduct described above and agreed he did not handle the situation as best he could. In addition, he submitted to urine testing and the result was positive for marijuana. He admitted to consuming a brownie that he thought may have had marijuana in it.

Because of his arrest and the conditions of his bond, Dailey is unable to return to live with his fiancé while the charges are pending trial. As such, we are working to place him in a local halfway house in Wilmington, NC, which assists similarly situated offenders in finding employment and with counseling services. In addition, he has agreed to participate in mental health treatment to deal with his anger management issues. Our office is recommending the court continue supervision, but modify the conditions requiring him to participate in mental health treatment. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a program of mental health treatment, as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

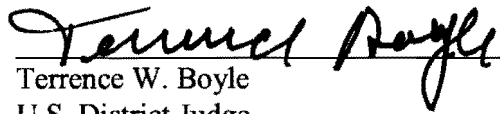
/s/ Kevin L. Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

/s/ John A. Cooper
John A. Cooper
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
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Executed On: April 27, 2012

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ORDER OF COURT

Considered and ordered this 30 day of April, 2012, and ordered filed and made a part of the records in the above case.


Terrence W. Boyle
U.S. District Judge